

**STATE OF CONNECTICUT  
BOARD OF EXAMINERS FOR NURSING**

Department of Public Health

Petition No. 2000-0726-010-048

vs.

Carole Ruggiero-Ruiz, RN, Lic. No. E53300  
Respondent

**MEMORANDUM OF DECISION**

***Procedural Background***

The Board of Examiners for Nursing (hereinafter "the Board") was presented by the Department of Public Health (hereinafter "the Department") with a Statement of Charges and Motion for Summary Suspension dated August 3, 2000. Dept. Exh. 1. The Statement of Charges alleged violations of certain provisions of Chapter 378 of the General Statutes of Connecticut by Carole Ruggiero-Ruiz (hereinafter "respondent") which would subject respondent's Registered Nurse license to disciplinary action pursuant to the General Statutes of Connecticut.

Based on the allegations in the Statement of Charges and accompanying affidavits and reports, the Board found that respondent's continued nursing practice presented a clear and immediate danger to public health and safety. On August 16, 2000, the Board ordered, pursuant to its authority under §4-182(c) and §19a-17(c) of the General Statutes of Connecticut, that respondent's Registered Nurse license be summarily suspended pending a final determination by the Board of the allegations contained in the Statement of Charges. Dept. Exh. 1.

The Board issued a Notice of Hearing dated August 16, 2000, scheduling a hearing for September 6, 2000. Dept. Exh. 1.

Respondent was provided notice of the hearing and charges against her. Department Exhibit 1 indicates that the Notice of Hearing and Statement of Charges were served on respondent by deputy sheriff on August 30, 2000, and also delivered by certified mail.

The hearing took place on September 6, 2000, in Room 2-A, Legislative Office Building, Capitol Avenue, Hartford, Connecticut.

Respondent was present during the hearing but not represented by counsel. Transcript, September 6, 2000, p. 10.

Respondent submitted an oral Answer to the Statement of Charges. Transcript, September 6, 2000, pp. 11-14.

Each member of the Board involved in this decision attests that he/she was present at the hearing or has reviewed the record, and that this decision is based entirely on the record, the law, and the Board's specialized professional knowledge in evaluating the evidence.

### *Findings of Fact*

Based on the testimony given and the exhibits offered into evidence, the Board makes the following Findings of Fact:

1. Respondent was issued Registered Nurse license number E53300 on September 6, 1990. Respondent was the holder of said license at all times referenced in the Statement of Charges. Dept. Exh. 1-B; Transcript, September 6, 2000, pp. 11-12.
2. On or about August 18, 1999, the Board issued a Summary Suspension Order in Petition number 990727-010-062. Dept. Exh. 1-A5-A-12; Transcript, September 6, 2000, p. 12.
3. On or about June 21, 2000, the Board issued a Memorandum of Decision (hereinafter the "MOD") which became effective July 1, 2000, the terms of which included:
  - a. lifting of the Summary Suspension Order;
  - b. probation for a period of four years. Dept. Exh. 1-A5; Transcript, September 6, 2000, p. 12.
4. The terms of respondent's probation included:
  - a. at least one weekly urine screen for the first three years of the probationary period and twice per month for the fourth year of the probationary period.
  - b. therapy for the entire probationary period. Dept. Exh. 1-A8-A9; Transcript, September 6, 2000, p. 12.
5. On or about July 10, 2000, respondent abused or utilized to excess hydrocodone. Dept. Exh. 1-A5-A11 and A14; Transcript, September 6, 2000, pp. 18-19.
6. Respondent's use of hydrocodone does, and/or may, affect her practice as a registered nurse. Transcript, September 6, 2000, p.13.
7. On or about July 10, 2000, respondent tested positive for morphine. Morphine is not a metabolite of hydrocodone.<sup>1</sup> Dept. Exh. 1-A13; Transcript, September 6, 2000, pp. 13-14.
8. From July 1 to July 25, 2000, respondent failed to attend three scheduled therapy appointments. Dept. Exh. 2-C; Transcript, September 6, 2000, pp. 14, and 25-37.

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<sup>1</sup> At the hearing, the Department moved to orally amend paragraph 9 of the Second Count of the Statement of Charges to read "Morphine is not a metabolite of hydrocodone." Tr., p. 5.

### ***Conclusions of Law and Discussion***

In consideration of the above Findings of Fact, the following conclusions are rendered: Carole Ruggiero-Ruiz held a valid Registered Nurse license number E53300 in the State of Connecticut at all times referenced in the Statement of Charges.

The Notice of Hearing and Statement of Charges provided sufficient legal notice as mandated by the General Statutes of Connecticut §4-177(a) and (b), and §4-182(c). The hearing was held in accordance with Chapters 54 and 368a of the General Statutes of Connecticut as well as §19a-9-1 through §19a-9-29 of the Regulations of Connecticut State Agencies.

The Notice of Hearing, Statement of Charges and the hearing process provided respondent with the opportunity to demonstrate compliance with all lawful requirements for the retention of her license as required by the General Statutes of Connecticut §4-182(c).

The Department bears the burden of proof by a preponderance of the evidence in this matter.

The **FIRST COUNT, PARAGRAPH 2** of the Statement of Charges alleges that on or about August 18, 1999, the Board issued a Summary Suspension Order in Petition number 990727-010-062 suspending respondent's license.

Respondent admits this charge. Transcript, September 6, 2000, p. 12.

The **FIRST COUNT, PARAGRAPH 3** of the Statement of Charges alleges that on or about June 21, 2000, the Board issued a MOD which became effective July 1, 2000, the terms of which included:

- a. lifting of the Summary Suspension Order;
- b. probation for a period of four years.

Respondent admits this charge. Transcript, September 6, 2000, p. 13.

The **FIRST COUNT, PARAGRAPH 4** of the Statement of Charges alleges that the terms of respondent's probation included:

- a. weekly urine screens; and,
- b. therapy.

Respondent admits this charge. Transcript, September 6, 2000, p. 13.

The **FIRST COUNT, PARAGRAPH 5** of the Statement of Charges alleges that on or about July 10, 2000, respondent abused or utilized to excess hydrocodone.

Respondent denies this charge. Transcript, September 6, 2000, pp. 12-13.

The **FIRST COUNT, PARAGRAPH 6** of the Statement of Charges alleges that respondent's use of hydrocodone does, and/or may affect her practice as a registered nurse.

Respondent denies this charge. Transcript, September 6, 2000, p. 13.

The **SECOND COUNT, PARAGRAPH 9** of the Statement of Charges alleges that on or about July 10, 2000, respondent tested positive for morphine. Morphine is not a metabolite of hydrocodone.

Respondent admits this charge. Transcript, September 6, 2000, pp. 13-14.

The **SECOND COUNT, PARAGRAPH 10** of the Statement of Charges alleges that from July 1 to July 25, 2000, respondent failed to attend three scheduled therapy appointments.

Respondent admits this charge. Transcript, September 6, 2000, p. 14.

The General Statutes of Connecticut §20-99 provides in relevant part:

(a) The Board of Examiners for Nursing shall have jurisdiction to hear all charges of conduct which fails to conform to the accepted standards of the nursing profession brought against persons licensed to practice nursing. After holding a hearing . . . said board, if it finds such person to be guilty, may revoke or suspend his or her license or take any of the actions set forth in section 19a-17 . . . (b) Conduct which fails to conform to the accepted standards of the nursing profession includes, but is not limited to, the following . . . (2) illegal conduct, incompetence or negligence in performing usual nursing functions . . . (5) abuse or excessive use of drugs, including alcohol, narcotics or chemicals . . . (6) fraud or material deception in the course of professional services or activities . . . .

Based on its findings, the Board concludes that respondent's conduct as alleged in the First and Second Counts of the Statement of Charges is proven by a preponderance of the evidence presented. The Board finds the testimony of Bonnie Pinkerton credible. The Board finds the testimony of respondent not credible. The Board further concludes that respondent's conduct constitutes violations of the General Statutes of Connecticut §20-99(b) (2), (5), and (6). Therefore, respondent's Registered Nurse license is subject to disciplinary action pursuant to §19a-17 of the General Statutes of Connecticut.

### ***Order***

Pursuant to its authority under §19a-17 and §20-99 of the General Statutes of Connecticut, the Board of Examiners for Nursing hereby orders the following:

For the First Count of the Statement of Charges, respondent's Registered Nurse license, number E53300, is revoked effective the date this Memorandum of Decision is signed by the Board of Examiners for Nursing.

For the Second Count of the Statement of Charges, respondent's Registered Nurse license, number E53300, is revoked effective the date this Memorandum of Decision is signed by the Board of Examiners for Nursing.

The Board of Examiners for Nursing hereby informs respondent, Carole Ruggiero-Ruiz, and the Department of Public Health of the State of Connecticut of this decision.

Dated at Wethersfield, Connecticut this 3<sup>rd</sup> day of January, 2001.

BOARD OF EXAMINERS FOR NURSING

By 